

AMENDED IN SENATE MAY 26, 2011

SENATE BILL

No. 32

Introduced by Senator Leno

(Coauthor: Senator Berryhill)

(Coauthors: Assembly Members Jeffries, Ma, and Portantino)

December 6, 2010

An act to amend Section 23016 of the Business and Professions Code, relating to alcoholic beverages, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 32, as amended, Leno. Alcoholic beverages: definitions: rectifiers.

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control.

Existing law defines a "rectifier" to include every person who colors, flavors, or otherwise processes distilled spirits by distillation, blending, percolating, or other processes.

This bill would ~~refine~~ *exclude from* the definition of "rectifier" ~~to~~ *exclude* any on-sale licensee that colors, flavors, or blends distilled spirits or wine products on the licensed premises for consumption on those premises.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ~~majority~~^{2/3}. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23016 of the Business and Professions
2 Code is amended to read:

3 23016. “Rectifier” means every person who colors, flavors, or
4 otherwise processes distilled spirits by distillation, blending,
5 percolating, or other processes. “Rectifier” does not include an
6 on-sale licensee that colors, flavors, or blends distilled spirits or
7 wine products on the on-sale licensed premises to be consumed
8 on the licensed premises.

9 SEC. 2. *This act is an urgency statute necessary for the*
10 *immediate preservation of the public peace, health, or safety within*
11 *the meaning of Article IV of the Constitution and shall go into*
12 *immediate effect. The facts constituting the necessity are:*

13 *In 2008, the Department of Alcoholic Beverage Control (ABC)*
14 *issued an advisory informing on-sale licensees that engaging in*
15 *rectification of distilled spirits exceeded their licensing privileges.*
16 *The ABC has recently started to forcefully notify on-sale licensees*
17 *of this advisory. As a result, many bars and restaurants have*
18 *stopped serving infused drinks and have experienced a drop in*
19 *business. Therefore, to allow businesses to resume this*
20 *economically stimulating business practice as soon as possible in*
21 *order to bolster California’s economy and to aid struggling bars*
22 *and restaurants in this economically stagnant time, it is necessary*
23 *for this act to take effect immediately.*